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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,931	03/23/2005	Matthias Wendt	DE 020216	6618
24737 7590 09/20/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER JIANG, YONG HANG	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 09/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/528,931

Applicant(s)

WENDT, MATTHIAS

Examiner

Yong Hang Jiang

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/23/2005 & 11/17/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawing is objected to because boxes in Figure 1 are not labeled appropriately with the names of the elements they represent. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

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3. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Remote control with tactile feedback.

#### ***Claim Objections***

5. Claims 6-8 are objected to because of the following informalities: a colon is missing after the word "comprises" on line 2. Appropriate correction is required.

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Claims 7-8 depend on claim 6; therefore they suffer the same deficiency.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 12, the specification does not contain any description of the structure of "means for automatically detecting apparatuses to be controlled".

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 5-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 5, and 7-8 recites the limitation "the control unit" in line 1 of each claim; Claim 6 recites the limitation "the control unit" in lines 3 and 5. There is insufficient antecedent basis for the limitation in the claims. For the purposes of examination, the examiner has interpreted claim 1 to have no control units as it is presented in an alternative form.

***Claim Rejections - 35 USC § 102***

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10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Rosenberg et al. (US 6,956,558).

Regarding claim 1, Rosenberg et al. disclose a remote control (50) comprising an operating element (via control knob 54) provided for outputting tactile information (via force detents), which is adjustable by a user. (See Col. 9, lines 15-64)

Regarding claim 2, Rosenberg et al. disclose the operating element is provided for performing several operating functions (via functions such as volume control for sound speakers, or channel change on a television), wherein a given characteristic of tactile information (via attraction or repulsive forces or bumps) is assigned to each operating function. (See Col. 9, lines 15-64)

Regarding claim 3, Rosenberg et al. disclose the characteristic of tactile information is changeable for one of the operating functions (via force detents can be alternatively provided without repulsive forces but instead provide force bumps). (See Col. 9, lines 15-64)

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1 and 6-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Culver (US 6,256,011).

Regarding claim 1, Culver discloses a remote control (via control device 10) comprising an operating element (via arm member 20 in arm assembly 14) provided for outputting tactile information (via actuator 38 outputting forces on the arm member 20), which is adjustable by a user (See Col. 3, line 45 to Col. 4 line 11; and Col. 6, lines 10-24).

Regarding claim 6, Culver discloses the remote control further comprises a measuring unit (via sensors 32 and 34 sense the position, motion of arm assembly 14) coupled to a control unit (via microprocessor 202) for measuring motion and position values of the operating element, and a data interface (via bus 220 as a wireless link) coupled to the control unit for transmitting data. (See Col. 12, lines 60-62; Col. 13; line 60 to Col. 14, line 3; Col. 14, lines 47-57; and Figure 14)

Regarding claim 7, Culver discloses the control unit (microprocessor 202) is provided to transmit the motion values (via data generated by actions on the arm member 20) via the interface (See Col. 14, lines 47-57)

Regarding claim 8, Culver discloses the control unit (microprocessor 202) is provided to receive parameters (via force commands) for controlling the tactile feedback of the operating element via the data interface. (See Col. 15, lines 22-43)

Regarding claim 9, Culver discloses the operating element is implemented to slide (via arm member 20 on movable arm assembly 14). (See Col. 3, lines 45-50; and Figure 1a)

Regarding claim 10, Culver discloses the remote control comprises operating keys (via buttons 164). (See Col.12, lines 26-49)

Regarding claim 11, Culver discloses the remote control comprises a speech recognition unit (via input devices 214 can include voice recognition hardware). (See Col. 14, lines 29-36)

Regarding claim 12, Culver discloses means for controlling apparatuses (via remote control device 10). (See Col. 3, line 45 to Col. 4 line 11)

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg et al. as applied to claim 1, and further in view of Stacy et al. (US 6,127,961).

Regarding claim 4, Rosenberg et al. disclose the structural elements of the claimed invention but failed to disclose the remote control comprises a visualization element, which is provided for representing optical information about the status of the operating element.



Stacy et al. disclose a universal remote control comprising light emitting diodes to represent visualization elements. As the operation mode of the universal remote control switches, the corresponding one of the diodes are illuminated to indicate the selected mode. (See Col. 2, lines 24-30, and Figure 1)

From the teachings of Stacy et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the remote control of Rosenberg et al. to include a visualization element, which is provided for representing optical information about the status of the operating element in order to provide a visual indication to a user.

16. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg et al. (US 6,956,558).

Regarding claim 5, Rosenberg et al. disclose the structural elements of the claimed invention but failed to disclose the remote control has a control unit, which is provided to read parameters for controlling the tactile information of the operating element from a storage means.

Rosenberg teaches a control unit (via microprocessor) on a radio to provide read parameters for controlling the tactile information of the operating element from a storage means (via different sets of detent force profiles can be stored in a memory device on the radio and a particular set can be provided on a control knob 54 by a microprocessor in the radio). (See Col. 10, lines 14-30)

From the teachings of Rosenberg, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the remote control of

Rosenberg et al. to include a control unit, which is provided to read parameters for controlling the tactile information of the operating element from a storage means in order to increase the number of detent force profiles to be used on the remote control.


**Conclusion**

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yong Hang Jiang whose telephone number is 571-270-3024. The examiner can normally be reached on M-F 7:30 am to 5:30 pm alternate fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YHJ

  
JEFFERY HOFSSASS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600